

THE STATE



OF ARIZONA

GAME & FISH DEPARTMENT

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Rec'd
4/14/95

April 7, 1995

Ms. Doris Betuel
Chief, Source Water Protection Section
United States Environmental Protection Agency
Region XI
75 Hawthorne Street
San Francisco, California 94105-3901

Re: Magma Copper Company Underground Injection Control Class III
Permit Application

Dear Ms. Betuel:

The Arizona Game and Fish Department (Department) has received your request for comments on potential impacts of the above mentioned project on endangered and categorical wildlife species. The Department provides the following comments concerning this request.

The Department's Heritage Data Management System has been accessed and current records show that the **Sonoran desert tortoise (Gopherus agassizii)** has been documented as occurring in the project vicinity. As defined below, this species is identified as a Category 2 Candidate by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act (ESA), and is a State Candidate species in the Department's listing of **Threatened Native Wildlife in Arizona** (TNW). The desert tortoise is also considered U.S. Forest Service Sensitive by the Regional Forester when occurring on lands managed by the U.S.D.A. Forest Service.

C2 - Category 2 Candidate as identified by the USFWS under ESA. Species being considered for listing as Threatened or Endangered pending more information.

SC - State Candidate on the Department's TNW list. Species with known or suspected threats, but for which substantial population declines from historical levels have not been documented.

The project area cited in your information request is larger than the project area analyzed in the Bureau of Mines environmental assessment which the Department reviewed in September of 1994. The Department's original review of the project did not identify any special status species in the vicinity of the smaller project area. However, your request for analysis of a larger project area has

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resulted in the identification of one special status species within this larger project analysis area as listed above.

The Department does not anticipate that this project will result in any significant impacts to the Sonoran desert tortoise. The habitat quality for Sonoran desert tortoise in the vicinity of the surface portion of the project is low. In addition, the construction of a 5 foot chain link enclosure fence around the SX-EW surface facility cited in the environmental assessment should further minimize potential impacts to Sonoran desert tortoise. In the instance that an individual tortoise is encountered in the project area, we recommend use of the Department's Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects. A copy of these guidelines has been enclosed for your information.

The Department is concerned with potential effects of the project to the quality of ground water in the state of Arizona as it relates to requirements for fish and wildlife. Contamination of ground water could have wide reaching implications, particularly where water depths are shallow such as in riparian areas. The Department is required to protect and restore riparian areas as stated Executive Order 91-6 signed by Governor Rose Mofford in 1991. Our agency recognizes riparian habitats as areas of environmental importance to fish and wildlife. Many of the special status species within Arizona are riparian obligates which may be negatively affected by management practices which degrade riparian habitats. The Department's habitat compensation goal for riparian habitats is to achieve no loss of existing in-kind habitat value (AGFD Operating Manual Policy I2.3).

An extensive monitoring process has been stipulated for this project within Aquifer Protection Permit (No. P-101431) prepared the Arizona Department of Environmental Quality. The Department strongly supports the extensive monitoring program proposed for project in order to maintain the quality of ground water surface flows.

The Department appreciates the opportunity to provide comments on this project.

Sincerely,

Barbara Heslin

Barbara Heslin
Habitat Specialist

maternity leave
next three months

Russ Hauey ("HoY")
602-981-9309
x222

Santa Cruz Project

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BSH:bh

cc: Kelly Neal, Regional Supervisor, Region VI
David L. Walker, Project Evaluation Program Supervisor,
Habitat Branch
Bray Addison, Wildlife Manager, Casa Grande District

Enclosure

AGFD# 03-14-95(09)

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS
Arizona Game and Fish Department
Revised November 29, 1993

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered on short-term projects (less than one week), and not in a burrow should be moved out of harm's way to adjacent appropriate habitat. A tortoise should be moved no further than necessary, not to exceed 0.1 mile from its original location. If it is necessary to move a tortoise more than 0.1 mile to safeguard that tortoise, the Arizona Game and Fish Department (Department) should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Moving a tortoise should be done quickly, handling the tortoise as little as possible, while keeping the tortoise in an upright position at all times. If more than one tortoise is to be handled, separate disposable gloves should be worn for each one to avoid potential transfer of disease between tortoises.

If a burrow of a specific tortoise is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow, as determined by a qualified biologist. Failure to locate a suitable burrow nearby could mean death for a tortoise, especially during May, June or July, before the onset of the summer rains, or during the winter brumation (hibernation) in December, January and February. If a suitable burrow cannot be found nearby, the tortoise should be placed in an adoption program.

Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and farm developments), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should apply for a Department handling permit to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises which are found to the north and west of the Colorado River. Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect the desert tortoise.
- Take, possession or harassment of a desert tortoise is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.